

9 FAM 41.32
Nonresident alien Mexican border crossing
identification cards; combined border crossing
identification cards and B-1/B-2 visitor visa.

(TL:VISA-184; 01-22-1999)

(a) Combined B-1/B-2 visitor visa and border crossing identification card B-1/B-1 Visa/BCC.—

(1) Authorization for issuance.

(TL:VISA-184; 01-22-1999)

Consular officers assigned to a consular office in Mexico *designated by the Deputy Assistant Secretary for Visa Services for such purpose* may issue a border crossing identification card, as that term is defined in INA 101(a)(6), *in combination with a B-1/B-2 nonimmigrant visitor visa (B-1/B-2 Visa/BCC)*, to a nonimmigrant alien who:

- (i) Is a citizen and resident of Mexico;
- (ii) *Seeks to enter the United States as a temporary visitor for business or pleasure as defined in INA 101(a)(15)(B) for periods of stay not exceeding six months;*
- (iii) *Is otherwise eligible for a B-1 or B-2 temporary visitor visa or is the beneficiary of a waiver under INA 212(d)(3)(A) of a ground of ineligibility, which waiver is valid for multiple applications for admission into the United States and for a period of at least ten years and which contains no restrictions as to extensions of temporary stay or itinerary.*

[Amended by 63 FR 16892, Apr. 7, 1998.]

(2) Procedure for application.

(TL:VISA-184; 01-22-1999)

Application for a B-1/B-2 Visa/BCC *shall be made by a Mexican applicant at any U.S. consular office in Mexico designated by the Deputy Assistant Secretary of State for Visa Services pursuant to subsection (a) to accept such applications. The application shall be submitted on Form OF-156. The application shall be supported by:*

- (i) Evidence of Mexican citizenship and residence;
- (ii) *One photograph of the size specified in the application, if 16 years of age or older; and*

(iii) *A valid Mexican Federal passport, unless the applicant is the bearer of a currently valid or expired United States visa or BCC or B-1/B-2 Visa/BCC which has neither been voided by operation of law nor revoked by a consular or immigration officer. BCCs which after October 1, 1999, or such other date as may be enacted, are no longer useable for entry due only to the absence of a machine readable biometric identifier shall not be considered to have been voided or revoked for the purpose of making an application under this subsection.*

(iv) *A digitized impression of the prints of the alien's index fingers.*

[Amended by 63 FR 16892, Apr. 7, 1998.]

(3) Personal appearance.

(TL:VISA-184; 01-22-1999)

Each applicant shall appear in person before a consular officer to be interviewed regarding eligibility for a visitor visa, unless the consular officer waives personal appearance.

[Amended by 63 FR 16892, Apr. 7, 1998.]

(4) Issuance and format.

(TL:VISA-184; 01-22-1999)

A B-1/B-2 Visa/BCC issued on or after April 1, 1998, shall consist of a card, Form DSP-150, containing a machine-readable biometric identifier. It shall contain the following data:

- (i) *Post symbol;*
- (ii) *Number of the card;*
- (iii) *Date of issuance;*
- (iv) *Indicia "B-1/B-2 Visa and Border Crossing Card";*
- (v) *Name, date of birth, and sex of the person to who issued; and*
- (vi) *Date of expiration.*

[Amended by 63 FR 16892, Apr. 7, 1998.]

(b) Validity.

(TL:VISA-184; 01-22-1999)

A BCC previously issued by a consular officer in Mexico on Form I-186, Nonresident Alien Mexican Border Crossing Card, or Form I-586, Nonresident Alien Border Crossing Card, is valid until the expiration date on the card (if any) unless previously revoked, but not later than the date, currently October 1, 1999, on which a machine biometric identifier in the card is required in order for the card to be useable for entry. The BCC portion of a B-1/B-2 Visa/BCC issued to a Mexican national pursuant to provisions of this section contained in the 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, is valid until the date of expiration unless previously revoked, but not later than the date, currently October 1, 1999, on which a machine readable biometric identifier in the card is required in the card in order for the card to be usable for entry.

[Amended by 63 FR 16892, Apr. 7, 1998.]

(c) Revocation.

(TL:VISA-184; 01-22-1999)

A BCC issued in Mexico on Form I-186 or Form I-586 or a B-1/B-2 VISA/BCC issued at any time by a consular officer in Mexico, under provisions contained in the 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, of this section, may be revoked at any time under the provisions of Sec. 41.122 or upon a determination by a consular or immigration officer that the alien to whom any such document was issued has ceased to be a resident and/or a citizen of Mexico. Upon revocation, the consular or immigration officer shall notify the issuing consular or immigration office and if the revoked document is a card, the consular or immigration officer shall take possession of the card and physically cancel it under standard security conditions. If the revoked document is a stamp in a passport the consular or immigration officer shall write or stamp "canceled" on the face of the document.

[Amended by 63 FR 16892, Apr. 7, 1998.]

(d) Voidance.

(TL:VISA-184; 01-22-1999)

(1) The voiding pursuant to INA 222(g) of the visa portion of a B-1/B-2 Visa/BCC issued at any time by a consular office in Mexico under provisions of this section contained in 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, also voids the BCC portion of that document.

(2) A BCC issued at any time by a consular officer in Mexico under any prior provisions of this section contained in 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, is void if a consular or immigration officer determines that the alien has violated the conditions of the alien's admission into the United States, including the period of stay authorized by the Attorney General.

(3) A consular or immigration officer shall immediately take possession of a card determined to be void under paragraphs (d)(1) and (2) is in the form of a stamp in a passport the officer shall write or stamp "canceled" across the face of the document.

[Amended by 63 FR 16892, Apr. 7, 1998.]

(e) Replacement.

(TL:VISA-184; 01-22-1999)

When a B-1/B-2 Visa/BCC issued under the provisions of this section, or a BCC or B-1/B-2 Visa/BCC issued under any provisions of this section contained in 22 CFR, parts 1 to 299, edition revised as of April 1, 1998 has been lost, mutilated, destroyed, or expired, the person to whom such card was issued may apply for a new B-1/B-2 Visa/BCC as provided in this section.

[Amended by 63 FR 16892, Apr. 7, 1998.]

9 FAM 41.32 Related Statutory Provisions

INA 101(a)(6)

(TL:VISA-159; 12-20-96)

(6) The term "border crossing identification card" means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the machine matches the appropriate characteristic of the alien.

[Amended by sec. 104 of Pub. L. 104-208, Sep. 30, 1996.]

INA 101(a)(15)(B)

(TL:VISA-184; 01-22-1999)

For the provisions INA 101(a)(15)(B), see §41.31 Related Statutory Provisions.

INA 212(d)(3)(A)

(TL:VISA-184; 01-22-1999)

For the provisions INA 212(d)(3)(A), see §40.301 Related Statutory Provisions.

INA 222(g)

(TL:VISA-184; 01-22-1999)

For the provisions INA 222(g), see §40.68 Related Statutory Provisions.